United Nations

Report of the Committee on Relations with the Host Country

General Assembly

Official Records • Fifty-second Session
Supplement No. 26 (A/52/26)

Report of the Committee on Relations with the Host Country

General Assembly
Official Records · Fifty-second Session
Supplement No. 26 (A/52/26)

United Nations · New York, 1997

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ISSN 0255-173X

[Original: English/French]

[14 November 1997]

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1	1
II.	TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE	2 - 6	2
III.	TOPICS DEALT WITH BY THE COMMITTEE	7 - 117	3
	A. Question of the security of missions and the safety of their personnel	7 - 10	3
	B. Question of privileges and immunities	11 - 28	3
	C. Transportation: use of motor vehicles, parking and related matters	29 - 102	7
	D. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations	103 - 109	20
	1. Host country travel regulations	103 - 107	20
	2. Entry visas issued by the host country	108 - 109	22
	E. Insurance and health	110 - 111	22
	F. Other matters	112 - 117	22
IV.	RECOMMENDATIONS AND CONCLUSIONS	118	24
Annex.	List of documents		26

I. INTRODUCTION

1. The General Assembly, by its resolution 51/163 of 16 December 1996, decided to include in the provisional agenda of its fifty-second session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to that resolution.

II. TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

2. The period covered by this report is from 22 December 1996 to 13 November 1997. During the reporting period there were no changes in the membership of the Committee.[1] Until 31 October 1997, Mr. Nicos Agathocleous (Cyprus) served as Chairman (for further information on the chairmanship see paras. 116 and 117 below). The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

3. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI) of 15 December 1971 establishing the Committee. In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration.[2]

4. During the period under review, the Committee held 10 meetings: the 180th, on 9 January 1997; the 181st, on 10 March 1997; the 182nd, on 27 March 1997; the 183rd, on 31 March 1997; the 184th, on 1 April 1997; the 185th, on 10 April 1997; the 186th, on 2 July 1997; the 187th, on 15 October 1997; the 188th, on 5 November 1997; and the 189th, on 13 November 1997.

5. At the 181st meeting, on 10 March 1997, the Committee established a Working Group on the use of diplomatic motor vehicles, parking and related matters and unanimously appointed the Chairman of the Committee, Mr. Nicos Agathocleous, to head the Working Group. The Group, whose mandate was to consider all aspects of the use of diplomatic motor vehicles, parking and related matters, held three meetings, on 17 and 21 March and 7 May 1997.

6. The Committee also twice held informal consultations on the parking issues, on 18 April and 2 May 1997.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

7. At the 186th meeting of the Committee, on 2 July 1997, the observer for Cuba mentioned that continuing security problems faced his Mission and its staff. He also mentioned the continuing offences by so-called "demonstrators" or by some United States authorities against the dignity of the Cuban Mission and its personnel.

8. The representative of the United States said that the Cuban Mission had implied that the New York City Police, who were assigned to protect the Mission, had signalled to demonstrators to initiate a "riot" so that the Cuban delegates who were arriving at the time would be subjected to violence. The representative stated that nothing could be further from the truth. He reminded the Committee that the Cuban Mission received 24-hour/7-days-a-week protection from the New York City Police Department. Cuban diplomats travelling in the United States also received protection from the State Department Diplomatic Security Service. It was outrageous to question the sincerity of United States law-enforcement officials who literally placed their lives at risk to protect Cuban diplomats. The United States was not ignoring legal instruments on diplomatic privileges and immunities.

9. The representative of Cuba recalled a particular incident when access to the Cuban Mission by the Cuban Minister for Science, Technology and Environment, in his capacity as a member of the high-level delegation to the nineteenth special session of the General Assembly, was impeded by the law-enforcement officials on the basis of a curious excuse that there were aggressive demonstrators in the vicinity of the Mission. While his Mission welcomed with satisfaction cooperation and appropriate measures concerning protection of its building, its diplomatic personnel and delegations, it did not accept any measures which would limit or impede entry or exit facilities or otherwise hamper the operation of the Mission.

10. In response, the representative of the United States pointed out that he did not accept the interpretation of the Cuban Mission as to how security at his Mission should be taken care of by the host country authorities. Law-enforcement officials did not challenge visitors to the Cuban Mission. They would do so only if the Mission did not want those individuals to enter the premises of the Cuban Mission. In such case, those individuals would be removed from the entrance to the Mission.

B. Question of privileges and immunities

11. The 180th meeting of the Committee, on 9 January 1997, was devoted to the consideration of matters relating to the privileges and immunities of mission personnel. It was convened at the request of the Russian Federation.

12. The Chairman reported to the Committee that he had received letters from the Permanent Representatives of the Russian Federation and Belarus to the United Nations which were circulated, at their request, as Committee documents A/AC.154/300 and A/AC.154/301, respectively. The letters transmitted notes verbales from both States addressed to the Office of Foreign Missions of the United States State Department explaining their respective positions in

connection with an incident which had occurred at the corner of 80th Street and Amsterdam Avenue at 4 p.m. on 29 December 1996, involving two diplomats of the Missions concerned and New York City police officers.

13. Giving details of the incident, the representative of the Russian Federation, inter alia, informed the Committee that a First Secretary of his Mission, Boris V. Obnossov, had been seriously injured: his arm broken, his glasses smashed and his clothes torn. The incident had taken place despite the fact that the diplomat had produced his driver's licence and his diplomatic identity card. The Ministry of Foreign Affairs of the Russian Federation had lodged a strong protest with the United States Embassy in Moscow in connection with the "unlawful detention and battery" of the Russian diplomat. The Ministry was expecting a thorough investigation of the incident by United States authorities. It also expected official explanations and apologies, disciplinary action against the police officers concerned and compensation for damages sustained by Mr. Obnossov, including his hospital bills, treatment expenses and disability leave costs. The action taken by the New York City Police was a most flagrant violation of international legal instruments such as the 1961 Vienna Convention on Diplomatic Relations[3] (hereinafter the "1961 Vienna Convention") and the 1973 United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[4] The action taken against Mr. Obnossov could even be viewed in the context of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[5] He hoped that the Committee would be able to give an objective assessment of what had happened and accomplish its task of protecting the legal rights, privileges and immunities, and interests of the diplomats accredited to the United Nations.

14. The representative of Belarus stated that his Government attached great importance to the incident and had lodged a formal complaint as well. The action of the two police officers which led to the arrest of Mr. Orange, First Secretary of the Belarus Mission, was in flagrant violation of the diplomatic immunities enjoyed by Mr. Orange. Mr. Orange and Mr. Obnossov had submitted all identification papers requested by the police officers. After they had done so, Officer Gaine swore and threw their diplomatic accreditations into the car. Thus, the officers knew that they were dealing with diplomats. Officer Finnerty dragged Mr. Orange from the car while pretending that the latter was resisting arrest. After putting handcuffs on Mr. Orange, Officer Finnerty tried to find witnesses to corroborate his story. Mr. Orange was then taken to the 20th Police Precinct station, put in a holding pen and subjected to a search. The use of force against Mr. Orange, his arrest and the search by the Police amounted to a number of flagrant violations. Instead of an objective investigation, groundless charges had been lodged against Mr. Orange and Mr. Obnossov. The representative urged the Committee to make a serious study of the incident and take the necessary steps to protect the legitimate rights of diplomats accredited to the United Nations.

15. The New York City Commissioner for the United Nations and Consular Corps brought to the attention of the Committee a letter from Mayor Rudolph W. Giuliani, dated 6 January 1997, addressed to the Permanent Representative of Belarus, in response to his letter of the same date. In his letter, the Mayor stated that the version of the incident presented by Belarus was disputed not only by the police officers themselves, but by seven witnesses to the event. The diplomat who had attempted to drive had been intoxicated and in no condition to operate an automobile. Witnesses to the incident had made it clear that the two officers had acted responsibly and appropriately.

16. The representative of the New York City Mayor's Office confirmed that the seven independent witnesses had corroborated the accounts of the police officers. Parking near fire hydrants was a serious safety issue and the lives of New Yorkers were at risk when people blocked access to hydrants.

17. The representative of the United States assured the Committee that the United States, as host country to the United Nations, was committed to extending to the diplomatic community the full scope of diplomatic immunities available under international law, and the Vienna Convention in particular. That Convention expressly required diplomats to respect the laws of the receiving State, and neither in the United States nor in any other State was diplomatic immunity deemed a licence to endanger the public safety. The representative of the United States also stated that his Mission had obtained a copy of the Police report filed at the time of the incident. The Police Department reported that the two Officers were citing a vehicle parked illegally when they were approached by two men yelling and cursing them. According to the Police, Mr. Obnossov walked unsteadily, slurred his speech and smelled of alcohol. The men entered the vehicle and started it. The driver, Mr. Obnossov, would not produce a driver's licence when requested to do so, and further, when the police officers tried to remove him he struck one of them in the face. Mr. Orange then left the car and struck the other officer in the face. The two officers were later treated for injuries. A number of witnesses had corroborated the officers' account of the incident. The diplomats were released when their diplomatic status was confirmed. The representative of the United States observed that incidents of this kind among the United Nations community were extremely rare. Unfortunately when they happened, they reflected poorly on the entire community in the eyes of the public. He suggested that representatives of the New York Police Department should meet with the Permanent Representatives of the two Missions as soon as possible and provide them with all the relevant information, as well as the statements of the witnesses to the event. In addition, the Police should interview Mr. Orange and Mr. Obnossov in the presence of the Permanent Representatives to help bridge the gap between the accounts of the two Missions and of the New York City officials.

18. The representative of the Russian Federation, referring to the allegations that both diplomats were intoxicated, questioned the basis for that conclusion in view of the fact that no relevant medical tests had been carried out.

19. The representative of Belarus said he had the impression that the authorities of the City were not fully informed about the incident. The host country authorities should fully investigate the matter. Belarus expected official explanations and apologies.

20. The representative of France observed that because the facts of the incident were open to be challenged, an investigation was justified and should be carried out with due process of law. The incident was part of the overall legal context concerning diplomatic privileges and immunities. All diplomats carried a card stating that the bearer may not be arrested or detained and should be treated with due respect. The broken arm was a cause for serious concern. It would be a pity if the incident led to an anti-diplomat campaign, which was a recurring problem that did not profit the diplomatic corps or the City of New York.

21. The representative of China expressed serious concern about the incident. The press, the representatives of Belarus and the Russian Federation, and the Mayor's Office had all advanced conflicting versions of the same story. The incident, the investigation and the eventual settlement were relevant to the

issues of diplomatic immunity and the image of the diplomatic corps, as well as the image of the New York City Police Department. He suggested that the Chairman of the Committee, together with all the parties involved, should be encouraged to cooperate in the investigation of the matter so that the facts might be revealed.

22. The representative of Côte d'Ivoire recalled that he had been involved in a similar incident in another State and added that such incidents could happen anywhere: such matters should therefore be considered judiciously and calmly. Noting that the host country was going to conduct an official investigation in the case under consideration, he said that it was not enough to offer apologies and pay compensation. The Convention on the Privileges and Immunities of the United Nations" (the "General Convention") must be fully implemented and the police must be made familiar with its provisions.

23. The New York City Commissioner for the United Nations and Consular Corps said that the Commission was trying its best to solve the problems encountered by permanent missions. She said she was sorry about the incident and hoped that it would be settled satisfactorily.

24. The representative of Cyprus expressed concern about the matter and the anti-United Nations campaign it had engendered in the media. It was shocking that the police officers had dragged the diplomats out of their car and that one of them had suffered a broken arm in the process. It was also shocking that the action had taken place despite the fact that the diplomats had identified themselves. He urged an immediate investigation by the host country authorities.

25. At the suggestion of the representative of Honduras, the Committee authorized the Chairman to make a statement to the press regarding the incident. Summing up the debate, the Chairman stated that an important and thorough investigation would take place and a formal report would be prepared. The host country had promised that the Committee would be informed of the status of the report. He concluded by stating that it was important that the meeting had been held and that the members of the Committee had had the opportunity to hear the facts as seen by the delegations involved.

26. At the 187th meeting, on 15 October 1997, the Chairman reported to the Committee that, with respect to the incident in question, he had been informed by the three Missions concerned that the issue had been dealt with on a bilateral basis. It was therefore not necessary for the Committee to take up the matter further.

27. At the 188th meeting, on 5 November 1997, the representative of the Russian Federation informed the Committee of an act of harassment and intimidation against the Permanent Representative of the Russian Federation by the New York City Police. On 31 October, the Permanent Representative had been in his car on his way to an important meeting of the Security Council when his progress was blocked by a New York police patrol car on 67th Street, with the policemen inside the car casually chatting to a person standing on the street. It was not possible to drive around the police car because of double-parked cars belonging to police and firefighters. In response to the sounding of a horn to draw attention to the need to let the Ambassador's car pass, one of the policemen had come up to the car and, in a rude manner, had stated: "We are the New York City Police and nobody honks at the New York City Police". The Permanent Representative's car had then been able to proceed on its way. However, it was blocked again on Lexington Avenue by the same patrol car which pulled in front

of the Ambassador's car and put its flashing lights on. A policeman opened the door of the Permanent Representative's car, shoved the driver aside and by force took the car keys from the ignition. In response to the Permanent Representative's mentioning of diplomatic immunity, one of the police officers answered that only the Ambassador enjoyed diplomatic immunity, while the driver and the car were not covered by such immunity. The Ambassador had been obliged to change cars. Nevertheless he was still late for an important meeting of the Security Council. This incident was a flagrant violation of the principles and norms of international law relating to diplomatic inviolability and privileges and immunities of representatives, in particular those codified in articles 22 and 29 of the Vienna Convention on Diplomatic Relations.[1] The actions by the police were in contravention of the United States State Department's 'Guidance for Law Enforcement Officers' which, in pertinent part, provided that diplomats 'are official representatives of foreign Governments who are to be accorded the maximum degree of respect'. This incident showed that the local Police was deliberately disregarding those rules and guidelines. The Russian Mission requested apologies from the competent United States authorities and expected disciplinary action against those responsible for the incident. Moreover, appropriate measures would have to be taken by the host country in order to prevent any recurrence of such incidents in the future. The representative of the Russian Federation noted that, pursuant to General Assembly resolution 42/154 of 7 December 1987, the Secretary-General had been notified of this serious violation of the protection, security and safety of the Russian Mission and its officials. The incident was yet another disturbing indication that the mutual understanding and good, businesslike relations between the diplomatic community and the City authorities, built up over years of effort, were being seriously eroded. The representative appreciated the initial steps taken by the United States Mission in addressing the incident and expressed the willingness of the Russian Mission to cooperate actively in restoring a normal atmosphere of mutual respect.

28. The representative of the United States said that his Government shared many of the concerns expressed by the previous speaker following the unfortunate incident involving the Permanent Representative of the Russian Federation and his vehicle. In response to this regrettable incident, the United States Mission had forwarded to the Russian Mission an interim reply informing them that they took their concerns seriously. The representative noted that, on 6 November 1997, a meeting of senior police commanders would be convened by the New York City Chief of Police to discuss this matter and related issues. At that meeting the United States Mission would remind the Police Department that diplomatic inviolability must be respected as a matter of United States and international law. His Mission would once again offer to provide a series of briefings to police officers on general principles of diplomatic immunity and inviolability in an effort to ensure that actions as described by the Russian Mission did not occur in the future and to avoid any future misunderstandings. He hoped to be in a position to report back to the Russian Mission and to the Committee on the results of that meeting and any other meetings that might follow as a result.

C. Transportation: use of motor vehicles, parking and related matters

29. At the 180th meeting, the representative of the United States recalled that his delegation had promised to consult with the Committee before establishing any new regulations concerning parking. It remained willing to cooperate with the City of New York in initiating and implementing a plan in that regard. He

also reminded the Committee that local parking and traffic laws should be obeyed by all.

30. Referring to the issue of diplomatic parking, the representative of Cyprus observed that efforts should be exerted by the local authorities to ensure that more parking spaces were provided to missions and that such spaces remained for their exclusive use.

31. At the 181st meeting, acting on a proposal by the Russian Federation, the Committee focused on issues relating to diplomatic parking. The Chairman informed the Committee of two letters dated 10 and 31 January 1997 addressed to him by the Permanent Representative of the Russian Federation, issued as official documents of the Committee (A/AC.154/302 and A/AC.154/303). Enclosed with these letters were two notes verbales by the Russian Mission to the United States Mission in connection with 'threatening leaflets' which had been attached to the windscreens of diplomatic vehicles parked near the Russian Mission.

32. The representative of the United States observed that New York City's concerns with respect to diplomatic parking were clearly warranted. The streets of New York, and particularly those in Manhattan, were among the most congested in the world. To minimize such congestion and ensure public safety and fair access to parking, all persons operating motor vehicles must strictly obey not only the laws and regulations pertaining to the operation of motor vehicles, but those pertaining to parking as well. In consultation with the United States Department of State, the City had developed a new policy and Programme to deal with the problems of parking of diplomatic vehicles in New York. The new Programme had grown out of the City's desire to minimize congestion, ensure public safety and provide fair and equitable access to parking. The United States Government supported the City's new policy and would work closely with the City to enforce all the different aspects of the programme. It was based on the principle that those persons enjoying diplomatic privileges and immunities in the United States were obliged to respect United States laws and regulations, including those concerning the parking of motor vehicles. Diplomatic immunity was not a licence to disregard the laws of the host State. The new parking policy rested on the principle that the operation of a motor vehicle in the United States was not a right but a privilege that might be withdrawn in cases of abuse. Motor vehicles parked illegally in the City received summonses which constituted notice that the recipient had not complied with local parking laws and regulations. The penalty attached to the summons was normally a fine, payment of which constituted part of the duty of the operator of the vehicle to obey the law. Valid issuance of a parking summons was not a violation of the privileges and immunities to which members of missions and of the United Nations Secretariat were entitled. Prompt payment of all fines associated with such summonses was expected unless the summons was found to be defective. Fines must be paid or contested within the time period indicated in the summons. Members of the diplomatic community who enjoyed immunity would not be required to appear in judicial proceedings. For that reason the City would establish a special office empowered to adjudicate summonses received by members of the diplomatic community.

33. The Deputy Mayor of the City of New York, Mr. Randy Mastro, introduced to the Committee the New York City Diplomatic Parking Programme (at the request of Committee members, the Programme was subsequently circulated by the Chairman as document A/AC.154/305). Diplomats who did not pay parking fines for 12 months would be notified that their vehicles could not be legally operated. Upon such notification, the State Department would request that the diplomatic plates be returned. Should such vehicles be towed, diplomatic licence plates would be

removed and the vehicles would not be released for operation by the owner without evidence of valid insurance and State Department registration. The owner could have the vehicle towed from the impoundment facility at his or her expense, but the vehicle could not be operated until it was registered in conformity with the United States State Department regulations and after the prompt payment of past fines. The new regulations would apply as of 1 April 1997, except that they would also apply to the registrant of any vehicle identified by New York City as having received one or more violations for parking in front of a fire hydrant from 1 January 1997 and the start of the Programme; those vehicle registrants would be notified by the United States State Department of the existence of an outstanding fire hydrant violation and they would be requested to satisfy it.

34. The representative of the Russian Federation observed that the New York City authorities were again violating the understanding reached with the diplomatic corps with respect to fines for parking violations by diplomatic motor vehicles. He recalled that in February 1996 diplomats had been clearly assured by the New York City Commissioner for the United Nations and Consular Corps that tickets issued to diplomatic vehicles were automatically voided. Furthermore, in a 1995 brochure commemorating the City's 50-year relationship with the United Nations, it was pointed out that diplomats were not required to pay for parking tickets. During the past few months, the number of tickets issued to cars of the Russian Mission had increased dramatically. Tickets had even been given to the car of the Permanent Representative when the driver was in the car waiting for him to leave a protocol meeting. The Police had also long been ticketing diplomatic vehicles for lacking the technical inspection sticker, even though diplomatic cars carried a substitute sticker on the rear licence plate. Legally parked diplomatic cars were also often ticketed. The idea that the registration of diplomatic motor vehicles might be cancelled for a failure to pay parking tickets was a cause of great concern. Such a measure would place obstacles to the normal functioning of missions. The date of 1 April 1997 for the start of the Programme was a matter of concern as well, since it had not been preceded by consultations. It might be useful for the United Nations Legal Counsel to draw up expert findings on the safeguarding of privileges and immunities accorded to missions accredited to the United Nations. It would also be useful to establish a special working group of the Committee, similar to its Working Group on Diplomatic Indebtedness.

35. The representative of France agreed that the diplomatic community had a duty to present a good image to the host country of any international organization. But the host country - particularly of the United Nations during its fiftieth anniversary - also had duties. Since 1994 the Committee had heard talk of a plan to cancel the diplomatic privileges of certain ticketed vehicles. The non-renewal of diplomatic licence plates would be contrary to international law. The right of a diplomat to operate a motor vehicle was not a matter of courtesy or privilege, as freedom of movement was essential to the functions of a diplomat. Diplomats often needed vehicles to perform their work. Diplomats should pay their just fines. In Paris those fines were not enforceable. This did not mean that driving rules need not be respected.

36. The representative of Spain expressed the view that the situation could be resolved through cooperative negotiations and reserved the right to communicate its views directly to the Government of the United States. He requested that New York City inform the Committee of the number of parking fines given daily in the City, together with the percentage of those violations attributable to the

diplomatic community. He also asked about the percentage of fines that were given to diplomatic vehicles and to what extent the operation of diplomatic vehicles was an obstacle to the flow of traffic in the City.

37. The representative of Costa Rica recalled that the difficulties faced by diplomatic missions and personnel with respect to parking had always been noted by the Committee in the past. However, such problems were now continuous. Diplomats had been assured in 1996 by the New York City Commissioner for the United Nations and Consular Corps that their parking tickets would automatically be voided. For her part, she always parked in spots that were legal even for vehicles that did not have diplomatic plates, and still she received tickets. Very often, non-diplomatic vehicles parked in diplomatic spots were not ticketed. There must be a balance in the proposed parking regulations. She hoped the problem could be resolved in a balanced and fair manner and urged the representative of the City to postpone the planned date for the implementation of the new Programme.

38. The representative of China expressed gratitude for the facilities that had been provided over the past 50 years by the host country to missions enabling them to carry out their duties and to fulfil their obligations vis-à-vis the United Nations. However, diplomats had also been troubled by certain problems, including those relating to parking. Much remained to be done with respect to the host country's efforts in that area. He supported the proposal that the Committee establish a working group to study the issue constructively.

39. The representative of Cyprus said that he was disappointed that the new Programme had been drafted without any consultation with the Committee. The Committee needed advice from the United Nations Legal Counsel. He asked if a City representative could confirm the number of official parking spaces that would be provided to missions, as the spaces currently provided to the Cyprus Mission were often occupied by unauthorized vehicles.

40. Responding to the previous speaker, the Deputy Mayor assured the Committee that the City authorities would take action against unauthorized cars parked in the spaces allocated to permanent missions. He confirmed the City's intention to implement the Programme effective 1 April 1997.

41. The representative of the United Kingdom of Great Britain and Northern Ireland referred to a problem of diplomatic parking in London where the diplomatic community was exhorted to pay its parking tickets. The 1961 Vienna Convention required diplomats to respect the law and that was incumbent on diplomats by virtue of the General Convention and the Headquarters Agreement. However, under article 41 of the Vienna Convention, that was without prejudice to privileges and immunities, which meant that enforcement action could not be taken by the host country. If the Legal Counsel were to be asked for his opinion, the matter could be addressed within the timetable proposed by the City authorities and the representative of the United States.

42. The representative of Honduras said that, while the diplomatic community must comply with all parking regulations, the City authorities should also cooperate with missions to facilitate their work. Missions should pay their fines, but it was unacceptable that there should be coercive measures to force such compliance. One member of his Mission had recently received seven summonses for the same offence on the same day. He wondered how long it would be before his Mission's diplomatic licence plates were withdrawn if such practices by the City were to continue.

43. The representative of Bulgaria recalled that as a result of the efforts by the Committee, the problem of diplomatic indebtedness had diminished, and expressed the hope that the Committee would also achieve viable results and acceptable solutions to the parking question.

44. The observer of Belarus said that despite repeated requests to New York City and to the Government of the host country, the situation was becoming worse from year to year. Normal conditions for missions in New York had still not been established.

45. Responding to the previous speakers, the representative of the United States recalled that he had personally spoken to the Committee three years ago, indicating that his Government would inform the Committee of any new programme that might be put into effect. A diplomatic licence plate was not a permit to violate the law of the host country. Nothing in international law gave diplomats the right to violate the laws of the host country. While the 1961 Vienna Convention did not allow for the prosecution of diplomats, the host country did reserve the right to resort to the expulsion of diplomats as a drastic remedy. In situations of serious violations of the law, cars might be towed or registrations withdrawn.

46. After deliberations the Committee, by consensus, established an open-ended Working Group to examine all aspects of the problem and requested the Legal Counsel to provide a legal opinion on the proposed new Programme.

47. Discussions of the Programme continued at the 182nd meeting of the Committee, on 27 March 1997. At the request of the Committee, the Chairman circulated the proposed City Programme as Committee document A/AC.154/305. The United States Mission drew the attention of permanent missions and of the Secretariat to the specific components of the Programme by its circular note, issued at the request of the host country as Committee document A/AC.154/306.

48. The Chairman reported to the Committee that the Working Group, at its two meetings held on 17 and 21 March, had mostly focused on the practical aspects of the proposed programme. Almost all members of the Committee, as well as observers from other missions accredited to the United Nations, had participated in the debate and expressed their views and concerns regarding the Programme. A considerable number of delegations considered that the implementation of the Programme should be postponed. On behalf of the Working Group he appealed to the United States delegation, in the light of the general feeling expressed by delegations participating in the Working Group, for a deferment of the implementation of the Programme and urged the host country delegation to take the appeal into consideration in their contacts with the City officials.

49. The Chairman further reported to the Committee that on 21 March 1997 the Legal Counsel had introduced to the Working Group his legal opinion regarding the Programme (A/AC.154/307). Most delegations welcomed the legal opinion and expressed the view that it should be considered carefully.

50. The representative of Costa Rica called the attention of the Committee to the applicable international agreements, including the 1961 Vienna Convention and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (the Headquarters Agreement),[7] which defined the rules governing the facilities to be provided to missions by the host country. She noted some of the positive new elements of the Programme, such as the provision of two parking spaces for each mission. That number might be sufficient only for small missions. However, parking spaces for diplomatic

vehicles were often taken by other non-diplomatic vehicles. Diplomats were thus often forced to park in other parking spaces and were fined for doing so even when the space was legal for other vehicles. At issue was also the matter of appealing such fines. The Programme should be fair and non-discriminatory. She stressed that elements of the Programme were found by the legal opinion not to be in full compliance with international law and she appealed for a deferment of it.

51. The representative of France said that the legal opinion was of considerable importance to both international law and international relations. It, inter alia, determined that some aspects of the Programme were contrary to international law. Certain measures of the Programme had not been implemented by the City: additional diplomatic parking spaces had not been identified. In addition, fines were often imposed in a discriminatory way.

52. The representative of Canada said that the allocation of parking spaces had not yet been put into effect. He did not agree entirely with the legal opinion. The mission, instead of an individual member thereof, should be contesting tickets that had been improperly issued. The provision that would prevent release of a vehicle before a fine was paid caused concern. The towing of a diplomatic vehicle should only be done under extreme circumstances, such as when it was blocking a fire hydrant. At the same time, international law did not grant the right to drive. It was a privilege granted by the host country. However, to deny a mission the right to use all its vehicles would not be in compliance with international law, but the denial of licence renewal was within the law. Until there was a clearer picture of the details of the Programme, the starting date should be delayed.

53. The representative of Spain expressed the hope that the allocation of parking spaces would be carried out in a genuine way and in an appropriate time-frame. In the neighbourhoods of some missions there was a problem with parking spaces owing to the presence of fire hydrants. The recourse to the New York City Department of Finance in appealing fines foreseen in the Programme was a procedure that needed safeguards and guarantees. There would be serious repercussions if the host country failed to take into consideration the legal opinion of the Legal Counsel. The host country needed to heed the calls for postponement of the Programme.

54. The representative of the United Kingdom said that the legal opinion did not call attention to article IV, section 14, of the General Convention which provided that the diplomatic privileges and immunities were accorded to members of delegations not for personal benefit, but to allow them to safeguard the independent exercise of their functions in connection with the United Nations. There was room for argument about whether what was proposed in the Programme were enforcement measures within the provisions of article 31 of the Vienna Convention. She also noted that the legal opinion did not seem to mention the obligation of the host country to facilitate the functioning of the mission. However, she did not disagree with the general thrust of the opinion. She also expressed sympathy with the request for a temporary delay in the implementation of the Programme as it was necessary for the host country to clarify certain elements of the Programme that were within the prerogatives of the country and not the City. The training of ticketing agents, the number and availability of parking spaces and equality of treatment for diplomats: all were issues to be considered before the Programme could be fairly and fully implemented.

55. The representative of China hoped that the legal opinion would receive a positive response and compliance. The proposed mechanism to resolve ticket

disputes, plans for the removal of diplomatic licence plates and procedures for revoking car registration were proposals that did not comply with international law. New York City should not implement the Programme before these provisions were duly revised.

56. The representative of Bulgaria also expressed reservations regarding the proposed procedure for diplomats to appeal fines. It needed to be revised in order to be in full compliance with international law.

57. The representative of Honduras noted that the City had the right to govern the general parking of vehicles with which laws the diplomatic community should comply. However, the inviolability of diplomatic vehicles was at issue. Missions must have the necessary facilities to carry out their functions in accordance with international agreements. Vehicles of a mission should not be restricted or confiscated. A delay in the implementation of the Programme would be appropriate.

58. The representative of the Russian Federation supported the main conclusions of the legal opinion, in particular with regard to the responsibilities of the host country. Diplomats should comply with the laws of the host country. At the same time, coercive measures against them should not be used to achieve that purpose. The implementation of the Programme needed to be postponed. The host country's plan to implement it on 1 April demonstrated a confrontational approach, which ignored the legal opinion and the diplomatic community. In such a case, the issue should be taken to a plenary meeting of the General Assembly where a resolution could be adopted to postpone the implementation of the Programme.

59. The observers for Ukraine, Belarus, Portugal, Cuba, Brazil, Indonesia, the Sudan, Malaysia, Pakistan and the Syrian Arab Republic generally shared the views expressed by the previous speakers and stressed that a confrontational approach was not productive. The enforcement measures such as removal of licence plates and cancellation of registrations envisaged by the Programme were against international law. Tickets should be issued in a non-discriminatory manner. The diplomatic community needed proper facilities in New York City to carry out its functions. They also were of the view that if agreement with the host country could not be reached in the Committee, the issue could be referred to the General Assembly.

60. The representative of the United States stressed the City's need to ensure public safety and fair treatment for all. The United States expected the Programme to begin as scheduled, i.e., 1 April 1997. The number of parking spaces being made available to the diplomatic community was a positive benefit. The members of the diplomatic community were expected to obey local parking laws. A similar parking programme had been in effect in Washington, D.C. The new Programme for New York City would not impede the missions in the performance of their functions. The non-renewal of vehicle registration would not interfere with diplomatic functions. The new mechanism for appeal in the Programme had been added to deal directly with complaints about inappropriate ticketing in the past. According to the legal opinion, the towing of a vehicle that was causing a public hazard was acceptable. Such a vehicle would be released without preconditions. If, however, the registration of the vehicle had been terminated because there had been a violation under the Programme, the diplomat would have to incur the costs of removing the vehicle from the place to which it had been towed. Without registration the owner could not legally operate that vehicle on City streets. As to the retroactive aspects of the Programme, the time mechanism would be triggered if there had been more than one hydrant violation

between 1 January and prior to 1 April 1997. The Programme would be implemented on a comprehensive basis so that the diplomatic community would receive the benefits of it while discharging its obligations under international law.

61. At the 183rd meeting, on 31 March, the representative of the United States confirmed that the City intended to implement its part of the Programme beginning 1 April 1997. By that time each mission would be assigned two parking spaces as close as possible to the mission, and one parking space as close as possible to the residence of the Permanent Representative, if that residence was in the City. The City would only issue parking tickets that were justifiable, non-discriminatory and in full compliance with all laws and regulations. Non-diplomatic cars would be towed from diplomatic parking spaces when the police hotline was called. The support of the United States Government for and participation in the Programme was subject to comprehensive and simultaneous implementation by the City. If all components were not in place or were not working correctly, the host country would not be in a position to support the Programme or take any actions until all components were proceeding as outlined by the City. Any action which might eventually be taken by the United States Department of State to withhold registration of a vehicle in the vast majority of cases would not take place until one year from the date when it was clear that the City's Programme was working as envisaged.

62. The representative of France recalled the coercive measures of the Programme and proposed that if the host country was not in a position to defer its implementation, the issue should be referred to the General Assembly. If the Assembly's position was not respected by the host country, then the Headquarters Agreement could be brought into play and the matter could be settled in the domain of international law.

63. The representatives of Spain, Iraq, Honduras, the Russian Federation, China, Costa Rica, Côte d'Ivoire and Cyprus, as well as the observers of Brazil, Zaire, Malaysia, Mexico, Indonesia and Cambodia endorsed the above suggestion.

64. The Legal Counsel said that his legal opinion was based on an objective understanding of international law. He noted that many delegations had expressed their support for it. The Programme as proposed did not appear to be fully ready for implementation. It was in the interests of all parties that when the Programme was launched it should be functioning appropriately. There remained several practical issues that needed to be discussed. The representatives of the host country seemed ready to discuss them. The Committee could solve those issues. As a representative of the Secretary-General, he appealed to the host country to delay the implementation of the Programme for a short time.

65. The representative of the United States did not support moving the discussion to another forum. He confirmed that if the City did not honour its stated obligations, the United States Department of State would act accordingly. The diplomatic community should not expect to be treated with extreme favouritism, any more than it should expect to be treated in a discriminatory manner.

66. The representative of the United Kingdom pointed out that her Mission did not yet have parking spaces in place. Given the fact that the City obviously could not implement its part of the Programme, the host country should confirm that it would in turn delay its implementation of the 12-month "trigger" element of the Programme. She preferred to see the matter dealt with in the Committee and not see it go to the General Assembly.

67. The representative of Canada said that his Mission also had questions regarding the allotment of parking spaces. Since certain elements of the Programme were not yet in place, the City should consider some kind of delay. In his view the Committee had not exhausted its efforts to find a workable solution that was palatable to all concerned parties. The Canadian delegation did not have instructions on the proposal to submit the matter to the General Assembly. He requested time for consultations before taking action on it.

68. At the 184th meeting, on 1 April, the representative of the United States informed the Committee that the Programme had entered into force. The United States Mission had been in close contact with the City of New York and with missions to determine whether all parts of the Programme were in place and operational and whether the support of the Department of State for the Programme would be forthcoming. He proposed that the Committee reconvene in 10 days to evaluate the implementation of the Programme. The host country Mission was prepared to continue the dialogue with the Legal Counsel in order to resolve any differences of opinion on the issue.

69. The representative of France recalled that at the previous meeting the proposal to submit the issue to the General Assembly had won an overwhelming majority of the members of the Committee.

70. The representative of the Russian delegation distributed the draft of a proposed Committee recommendation, which read as follows:

> "The Committee recommends that the General Assembly resume, as a matter of urgency, consideration of its agenda item on the report of the Committee on Relations with the Host Country in order to examine questions relating to the parking of diplomatic vehicles. It is understood that, if the host country is in a position to indicate in the coming week that the programme's entry in to force has been deferred, the Assembly's consideration of the matter will also be deferred."

71. The representative of the United States noted that the General Assembly had established the Committee on Relations with the Host Country to deal with issues such as parking. The Committee should continue to deal with the issue directly. He was therefore not able to join a consensus on the proposed text.

72. The representative of the United Kingdom said that there was some confusion as to whether the 10-day waiting period, as proposed by the United States representative, would affect the Programme's 12-month "trigger" for enforcement provisions. If there was a way to avoid taking the issue to the General Assembly, it should be considered. The Committee should draw up proposals to address both the legal and the practical aspects of the problem.

73. The observer for Brazil said that he had seen diplomatic cars being towed away and unjustly ticketed on the first day of the Programme. One of the Brazilian Mission's cars had been ticketed while parked in one of the new official diplomatic spaces.

74. The observer for Cuba reminded the Committee that the consensus rule did not apply in the General Assembly and need not apply in the Committee. The Assembly must address the overall diplomatic issues.

75. In summing up the debates, the Chairman made a statement, approved by the Committee, which called for the Committee to take action on the Russian proposal

on 10 April, unless concerns about the Programme were satisfactorily addressed (the full text of the Chairman's statement is set out in document A/AC.154/310).

76. The representative of the United States thanked the Committee members for their cooperation in keeping the discussion within the Committee. He urged all missions to report their experiences with the Programme to his Mission.

77. At the 185th meeting, on 10 April 1997, the Chairman reported to the Committee that on 3 April 1997 the Secretary-General had met with the Permanent Representative of the United States, at which meeting the Secretary-General had appealed to the United States Government to consider positively the concerns expressed by the diplomatic community regarding the Programme. Contacts also had taken place between the representatives of the United States Mission and the Legal Counsel concerning the legal implications of the Programme.

78. The representative of the United States said that his Mission had also undertaken a series of discussions with the Secretary-General, the United Nations Legal Counsel and the City of New York with a view to identifying ways of revising aspects of the Programme which had caused the concerns expressed by the members of the Committee and by the Legal Counsel. The opinion offered by the Legal Counsel had been given serious consideration by the host country. While there had been disagreement with some elements of that opinion, the United States was working to answer some of the concerns raised by the Legal Counsel. More time was needed to complete the evaluation and formulate the proposals.

79. The Legal Counsel confirmed that he had personally conducted fruitful discussions with the host country Mission on the subject of its obligations to the diplomatic community. The host country had authority to implement the rules regulating parking. The diplomatic corps was obliged to obey those rules. While he had identified potential problems of diplomatic law as regards the issue, he hoped that, depending on the final outcome of the talks, all legal concerns regarding the current situation could be resolved.

80. The representative of the Russian Federation said that the diplomatic vehicles of his Mission continued to be given tickets even when parked in some spaces reserved for diplomats. Cars without diplomatic licence plates also continued to be parked in spaces reserved for his Mission. As he was addressing the Committee, a bus from the Russian Federation, which had been parked in a diplomatic parking space together with its driver and passengers, was towed away by the New York Police Department. He requested that the Committee adopt the recommendation that the Russian Federation had tabled at the previous meeting (see para. 70).

81. The representative of the United Kingdom welcomed the assurance of the host country and of the Legal Counsel that legal concerns about the Programme would be addressed and that it would be open to revision and would be implemented flexibly. Moving the issue to the General Assembly would be an overreaction. She preferred that the matter be kept within the Committee.

82. The representative of Costa Rica said that she was aware that efforts were under way to make changes in the Programme. It was not simply a matter of whether or not diplomats had to pay fines. There were serious questions at stake with regard to the 1961 Vienna Convention and the Headquarters Agreement. She informed the Committee that she had recently received two unfair and discriminatory parking citations, including a citation while she had been parked in a parking space reserved for diplomats.

83. The representative of France recalled that the Committee had decided at its previous meeting that a decision on the proposal for the General Assembly to examine the issue would be taken on 10 April. The response by the host country was encouraging, but hardly satisfactory. The real question was whether or not, in today's world, it was appropriate to bring into question the principle of diplomatic immunity. The Committee was not a legal body. It was designed to deal with practical matters. It would be entirely appropriate to refer the matter to the Assembly.

84. The representatives of Côte d'Ivoire, Spain and China shared the view that if the City agreed to defer the Programme, the Committee might also postpone action.

85. The representative of Iraq said that the matter should be referred for settlement to a higher body and expressed support for the proposal to move the matter to the General Assembly.

86. The observers for Cuba, Mexico, Egypt, the Democratic People's Republic of Korea, Brazil, Zaire, Indonesia and the Lao People's Democratic Republic generally stressed that an atmosphere of hostility had developed towards the diplomatic community in connection with the new Programme. In some instances, it had led to acts of vandalism against diplomatic vehicles. During the first 10 days of the implementation of the Programme, the City had not honoured its obligations. Arbitrary and discriminatory acts by law enforcement officials were being committed against diplomats, such as unjust ticketing. They concurred with the proposal to refer the matter to the General Assembly. The observer for Kazakhstan stressed the necessity of increasing the number of parking spaces allocated to diplomatic vehicles in a manner which would reflect the real needs of the diplomatic community.

87. The representative of the United States cautioned the Committee not to rush to call for a debate in the General Assembly on the matter at a time when other more crucial international issues demanded the attention of the United Nations. He appealed for patience and common sense in the early stages of the implementation, stressing that the Committee had been able to reach consensus on even more difficult issues in the past.

88. The Legal Counsel said that his discussions with the United States Mission had aimed at removing the elements that had caused legal objection. He had not yet received an official revised Programme. If a revised Programme were presented by the host country along the lines discussed, then the legal impediments would be removed. He stressed that the tickets must be justifiable and non-discriminatory and not undermine the credibility of the Programme.

89. By a vote of 13 in favour to 1 against (United States), with one abstention (the United Kingdom), the Committee adopted the following decision:

> "The Committee recommends that the General Assembly resume, as a matter of urgency, consideration of its agenda item on the report of the Committee on Relations with the Host Country in order to examine questions relating to the parking of diplomatic vehicles. It is understood that, if the host country is in a position to indicate in the coming week that the implementation of the elements of the Programme which according to the legal opinion of the Legal Counsel appear not to be in full compliance with international law has been deferred, the Assembly's consideration of the matter will also be deferred."

90. In a letter dated 11 April 1997 (A/51/871), the Chairman brought the above decision to the attention of the President of the General Assembly.

91. At the 186th meeting, on 2 July 1997, the Chairman reported to the Committee that during informal consultations of the Committee on 18 April, the host country representatives had, inter alia, announced that the implementation of the Programme, including the elements which, according to the opinion of the Legal Counsel, appeared not to be in full compliance with international law, had been deferred. He had brought that decision to the attention of the President of the General Assembly (A/51/880). The Chairman also observed that in view of that decision the Assembly's consideration of the matter had been deferred.

92. The Chairman further recalled that at informal consultations of the Committee, held on 2 May 1997, the host country delegation, inter alia, had indicated that it would appreciate proposals on the matter from the members of the Committee. On 7 May 1997, the Working Group had met and, among other matters, considered a working paper prepared by the Russian Federation containing a number of specific proposals regarding the parking issue (A/AC.154/312).

93. The representative of the United States informed the Committee that his Mission and the City had held several meetings. During those meetings, recommendations and suggestions offered by Committee members and observers at meetings of the Working Group on Parking had been passed to the City for its consideration. He was confident that the host country and the host City would agree on a revised diplomatic parking Programme that was fair, non-discriminatory, efficient and consistent with both local and international law. There had been indications that the number of parking tickets issued to diplomatic vehicles had dropped substantially in the last several months. On the other hand, his Mission was aware that problems continued. The City had not yet agreed to re-install the diplomatic parking signs taken down in the first weeks of April. The United States Mission was also aware that diplomatic vehicles still occasionally received parking tickets for lack of inspection or registration stickers or for lack of or obscured vehicle identification numbers. Such tickets issued to diplomatic vehicles were invalid, and the Mission had persuaded the City to dismiss those tickets. The host country Mission was concerned that the City had been sending missions notices threatening to seize diplomatic vehicles or to attach their property by reason of unpaid parking tickets. Such actions contradicted international law and the principle of diplomatic inviolability. Recipients of those notices should question their validity with the City directly or through the United States Mission. He thanked the diplomatic community for its renewed policy of obeying the City's parking laws and regulations and emphasized that the diplomatic community must not receive discriminatory treatment.

94. At the 187th meeting, on 15 October 1997, the representative of the United States informed the Committee that his Mission, the Department of State and the City of New York were still working on procedures that would form the basis for a diplomatic parking Programme that was fair, non-discriminatory, efficient and consistent with both local and international law, and in a balanced manner reflected the public interests of all residents of New York, including the United Nations diplomatic corps. New York's parking policy that operators of diplomatic vehicles obey all traffic and parking regulations and pay their parking fines was now clear and the United States supported it. The fact that the number of parking tickets issued to diplomatic vehicles had decreased significantly over the past six months and that the number of outstanding unpaid tickets had decreased as well served as proof to non-diplomatic residents of New

York that diplomats conformed to local law and were good neighbours. However, the host country was continuing to raise with City officials transportation problems which still affected some missions. Some of the problems still required continued consideration: the Police hotline for removal of non-diplomatic vehicles from diplomatic spaces did not always work efficiently; some missions did not have assigned spaces, while others might have lost parking spaces that were previously available to them. The City had dismissed tickets when the missions concerned had presented a valid defence, either directly with the Department of Finance or through the United States Mission. However, the City would not dismiss tickets based on the fact that a Mission had not yet received its assigned parking space, or because its vehicle was forced to park illegally since diplomatic parking spaces assigned to the Mission were taken up by other vehicles. He explained the meaning of "No Stopping" and "No Standing" signs, as well as parking regulations near fire hydrants, and requested that any evidence of discriminatory treatment against diplomats be brought to the attention of the United States Mission and assured the Committee that further steps would be taken to create a fair parking Programme.

95. The representative of the Russian Federation said that the United States representative's interpretation of the parking rules seemed to differ from those in the Driver's Manual that was published by the New York City Department of Transportation. He requested clarification on the matter, preferably in written form. The representative of the United States responded that appropriate steps would be taken to address the point, perhaps by circulating to missions a manual that had the necessary information.

96. The representatives of Costa Rica, the Russian Federation, Mali, Honduras and China and the observer of Malaysia brought to the attention of the Committee specific cases of unfair ticketing of diplomatic vehicles and also drew attention to instances when non-diplomatic vehicles had occupied parking spaces allocated to missions without receiving tickets. They shared the view that discriminatory practices against missions were troubling and urged the host country to resolve those problems.

97. The representatives of the United Kingdom and Canada stressed that missions were obliged to pay fines when they were given parking tickets. Diplomats should not receive special treatment and must respect local traffic laws and regulations. It was, however, alarming that certain delegations had a feeling of discrimination against them. They hoped that specific instances would be reported and investigated. They also looked forward to the conclusion of a revised Programme which would be carried out in accordance with international law.

98. The representative of Spain said that concrete cases and examples of discriminatory treatment should be given serious consideration. He expressed appreciation to the United States Mission and the newly appointed New York City Commissioner for the United Nations and Consular Corps for their efforts to find a solution to the problem.

99. The representative of Cyprus expressed his understanding that the elaboration of the revised Programme might take time. What was important was that it should be fair, balanced, efficient, non-discriminatory and in accordance with local and international law.

100. In response, the representative of the United States said that his Mission was looking into allegations of unfair treatment of diplomats. He assured the Committee that if discrimination occurred, such cases would be investigated.

Non-diplomatic cars parked in diplomatic parking spaces would be ticketed and towed. Increased police patrols could be arranged. He encouraged the United Nations community to use the hotline to have illegally parked cars towed from diplomatic parking spaces. If such cars were parked in front of missions, they would be towed. As to assertions regarding a possible connection between police salaries and the issuance of parking violations, the representative of the United States responded that the police assigned to protect diplomats in New York City put their lives on the line for them the year round, 24 hours a day, and should not be maligned. He assured the Committee that their salaries were not predicated on the number of summonses for parking violations that they issued.

101. The representative of France said that, with regard to the hotline, it was not normal for diplomats to enter into direct contacts with the police; they should rather contact the host country Mission, although at times flexibility was required. The diplomatic community had been traumatized at the beginning of the year by the unilateral announcement of the new parking violations Programme. In this connection, the Committee's discussion was valuable and important in establishing confidence and trust. Diplomats should pay their tickets on a voluntary basis, when they were legally issued. However, efforts to impose binding, mandatory measures for the payment of fines would contravene international law, as was recognized by the Legal Counsel. Recalling the Committee's decision of 10 April to refer the matter to the General Assembly, he reminded the Committee that the Assembly's consideration of the issue had been deferred in view of the decision of the host country, announced on 18 April, to postpone implementation of the Programme.

102. The observer for Azerbaijan said that the parking situation had deteriorated rather than improved. New notices posted at diplomatic parking spaces on 45th and 46th streets indicated that those spaces were available to the general public after 6 p.m. Noting that Azerbaijan was on the other side of the globe and in a different time zone from New York, he said that this recent action by the City's Police Department had made it more difficult for the staff of his Mission, who had to work after 6 p.m., to carry out their duties, particularly when the General Assembly was in session.

D. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Host country travel regulations

103. At the 186th meeting, Cuba requested that the Committee resume consideration of the issues related to the host country travel regulations. The Chairman informed the Committee of the letters that he had received from the Missions of Cuba and the United States (subsequently issued, at the Missions' request, as Committee documents A/AC.154/313 and A/AC.154/314, respectively).

104. Recalling the pertinent provisions of General Assembly resolution 51/163 of 16 December 1996, the observer for Cuba informed the Committee that the host country continued to impose, and even intensified, the travel limitations, in an arbitrary manner and based on political motivations, against Cuban Mission personnel. He recalled specific cases of denial, usually received by telephone, of written requests for travel authorizations submitted by the Cuban Mission to the United States Mission. Such denials, which were without explanation,

violated the letter and spirit of the Headquarters Agreement, contravened the diplomatic privileges and immunities that the host country was obliged to promote and interfered with the normal functioning of the Cuban Mission. The Cuban Mission once again rejected the unjustifiable and arbitrary attitude taken by the host country authorities and the United States Mission regarding the Cuban travel authorization requests. It also denounced the United States Mission's lack of observance of the relevant General Assembly recommendations and decisions, noting that the Assembly was the sole universal body of the multilateral Organization for which the United States Government had agreed to become the seat, to promote its objectives and principles and to respect the internationally recognized diplomatic privileges and immunities of the representatives of its Member States.

105. In response, the representative of the United States said that the travel limitations imposed did not restrict the privileges and immunities as regards the normal functioning of the Cuban Mission. The General Assembly in its resolution 51/163 had urged the host country to consider lifting travel controls. The United States looked forward to the day when its national security concerns were such that all travel restrictions could be lifted. As to allegations that the host country was ignoring legal instruments on diplomatic privileges and immunities and interfering with the functioning of the Cuban Mission, he reiterated the United States Mission's position that the applicable principles of conventional and customary international law neither prohibited the imposition of travel restrictions nor entitled the affected individuals to unrestricted travel throughout the United States. The travel limitations opposed did not interfere with the privileges and immunities of the affected individuals and did not affect the performance of their official United Nations functions. Section 11 of the Headquarters Agreement obligated the United States not to impose any impediments to transit to or from the Headquarters district of representatives of Member States. Section 13(d) of that Agreement provided that, with the exception of unimpeded transit to and from the Headquarters district, the United States retained full control over, inter alia, the conditions under which persons might remain or reside in the United States, including the travel of such persons within its territory. As to whether the United States Mission should respond to the Cuban Mission by telephone, that was to be determined by the host country.

106. The representative of the Russian Federation shared the concerns expressed by the observer for Cuba regarding lifting of travel restrictions imposed upon certain diplomatic missions and upon United Nations Secretariat staff of certain nationalities. He recalled that in its report to the General Assembly at its fifty-first session the Committee had been compelled to note that in 1996 restrictions on travel had not been lifted with respect to any of the affected Member States. In 1997, there had not been progress either. References to the national security of the host country seemed absurd after the end of the cold war. The problem of travel restrictions needed to be resolved once and for all. The Russian Federation appealed to the host country to do its utmost to achieve a speedy resolution of the problem in full compliance with international law and with due account taken of the current state of international relations.

107. The representative of Iraq also complained that for more than three years no Iraqi officials had been allowed to travel outside the 25-mile limit. He regretted that visas issued to the Iraqi Mission personnel clearly specified that they could not travel outside that limit.

2. Entry visas issued by the host country

108. At the 186th meeting, the representative of Iraq informed the Committee of the delays in granting visas by the United States authorities to Iraqi officials who were going to attend meetings in New York. In particular, members of the Iraqi delegation who were to participate in the nineteenth special session of the General Assembly in June 1997 had been granted visas only a few hours before their departure from their country. He also mentioned that his request to obtain a visa for a family member, which had been submitted four weeks earlier, had not yet been responded to.

109. The representative of the United States stated that the State Department Visa Office had been inundated with requests for visas to attend the recent special session of the General Assembly. He promised to look into the visa request for the family member of the Iraqi Mission official when he returned to his office.

E. Insurance and health

110. At the 186th meeting, on 2 July 1997, the Chairman informed the Committee that a number of representatives from the health insurance industry had expressed their readiness to submit proposals to provide health insurance coverage to the diplomatic community. The Committee had authorized the Chairman to meet and consult with the prospective providers.

111. At the 187th meeting, on 15 October 1997, the Chairman reported to the Committee that informal meetings had been held in July, September and earlier in October with the representatives of the following five prospective providers: Well Care Management Group, Inc.; University Group Medical Associates, P.C.; AETNA US Healthcare; Empire BlueCross BlueShield; and Louise Maher and Associates, Inc. The representative of the Office of the Legal Counsel who had chaired several meetings presented to the Committee a succinct summary of the proposals set out in a non-paper. The Committee endorsed the organization of an open-ended meeting for the entire diplomatic community with the prospective providers of health care, to be held in December or in January 1998. The Chairman thereupon informed all missions accredited to the United Nations of this decision by a letter, enclosing the summary of the proposals (A/AC.154/INF/2).

F. Other matters

112. At the 187th meeting, the observer for the Libyan Arab Jamahiriya brought to the attention of the Committee various difficulties experienced by his Mission in New York: delays in the issuance of visas to members of a recent high-level Libyan delegation scheduled to meet with the Secretary-General and the President of the Security Council; need for multiple-entry visas for Mission staff; reduction of the Mission's diplomatic personnel from 12 to 9 members; travel restrictions to the five boroughs of New York City imposed upon all Mission personnel; taxation up to $16 million levied on the building of the Libyan Mission, which was not used for commercial purposes; and putting a ceiling on the Mission's accounts in the host country, a limitation which had been set when the cost of living was far less than it was currently. Those difficulties impeded the work of the Mission. The Libyan Arab Jamahiriya was prepared to resolve those problems through a dialogue with the host country or

the good offices of the Secretary-General and the Legal Counsel. It was also ready to resort to arbitration, as provided for in the Headquarters Agreement.

113. The representative of the United States stated that the size of the Libyan Mission had been reduced from 12 to 9 in 1992, which represented a 25 per cent reduction, in accordance with paragraph 6 (a) of Security Council resolution 748 (1992), because the Libyan Arab Jamahiriya had failed to comply with Security Council resolution 731 (1992). This matter should be dealt with by the Security Council and the Libyan Government knew what it had to do to end sanctions. He also recalled that the overall average number of Libyan diplomatic staff before the reduction had been 12 persons. It was confirmed that, in accordance with the established practice, visas were issued within a reasonable time, which required up to 15 working days for the processing of single-entry visas. In not issuing multiple-entry visas to members of the Libyan Mission, the United States was not in violation of its treaty obligations as host country to the United Nations under the Headquarters Agreement. That practice could be verified with the United Nations Legal Counsel. Travel restrictions imposed on Libyan personnel did not contravene the host country's treaty obligations. Regarding the situation with taxation imposed on the Libyan Mission building, he suggested that the problem be handled in Washington, D.C., between the State Department and the protecting Power representing the Libyan Arab Jamahiriya.

114. At the same meeting, the Chairman announced that Ms. Irene Halligan had been appointed as the new Commissioner of the New York City Commission for the United Nations and Consular Corps. The representative of the host country introduced Ms. Halligan to the Committee. On behalf of the Committee, the Chairman welcomed the newly appointed Commissioner and expressed hope for close and constructive cooperation between the Commissioner and the diplomatic community.

115. The Chairman also announced that Mr. Jorge Sánchez, head of the Working Group on Indebtedness, had been transferred to Madrid. Consultations were being held with a view to identifying a suitable candidate to chair that body.

116. At the 188th meeting, the Vice-Chairman, Mr. Holmes (Canada), informed the Committee that, effective 31 October 1997, Ambassador Agathocleous had left the Cypriot Mission and therefore could not continue as Chairman of the Committee. On behalf of the Committee, he expressed his sincere appreciation to Ambassador Agathocleous for his skilful leadership and devoted service to the Committee over the past two years and wished him well in his future endeavours.

117. The Vice-Chairman also said that, as in the past, consultations would be held among the interested delegations with a view to identifying a candidate to assume the functions of chairman. The issue would be discussed in the Bureau. The recommendation of the Bureau would be reported to the Committee so that it could proceed with elections.

IV. RECOMMENDATIONS AND CONCLUSIONS

118. At its 189th meeting, on 13 November 1997, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and representatives of the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to this end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) The Committee requests the host country to take steps, in conjunction with the City of New York, to resolve the problem of parking of diplomatic vehicles in order to maintain appropriate conditions for the functioning of the delegations and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law; to bring to the attention of New York City officials reports from the diplomatic community about cases of discriminatory treatment against diplomats in order to ameliorate the situation and promote compliance with international norms concerning diplomatic privileges and immunities; and to continue to consult with the Committee on these important issues. The Committee further expresses appreciation for the efforts of its Working Group on the problem of parking of diplomatic vehicles and of the host country delegation, and urges the host country to continue to bring to the attention of the appropriate New York City authorities the proposals made in its Working Group;

(e) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee notes that there were no changes in the regulations during 1997 and continues to urge the host country to remove remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, the Secretary-General and the host country;

(f) The Committee expresses appreciation for the efforts of its Working Group concerning financial indebtedness, noting that this issue has also arisen in other host cities, and therefore requires a system-wide approach. In this regard, the Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(g) The Committee further expresses appreciation for the Working Group's efforts in attempting to identify organizations that could provide affordable medical insurance or health care to members of the diplomatic community and

urges that these efforts continue with a view to enabling and encouraging permanent missions and their members to take advantage of such programmes;

(h) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations and those local entities that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Notes

[1] Bulgaria, Canada, China, Costa Rica, Cyprus, France, Honduras, Iraq, Côte d'Ivoire, Mali, Russian Federation, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America.

[2] Official Records of the General Assembly, Fiftieth Session, Supplement No. 26 (A/50/26), para. 5.

[3] United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

[4] Ibid., vol. 1035, No. 15410, p. 167.

[5] Ibid., vol. 1465, No. 24841, p. 85.

[6] Ibid., vol. 1, No. 4, p. 15.

[7] Ibid., vol. 11, No. 147, p. 11.

ANNEX

List of documents

A/AC.154/300	Letter dated 31 December 1996 from the Deputy Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee
A/AC.154/301	Letter dated 8 January 1997 from the Permanent Representative of the Republic of Belarus to the United Nations addressed to the Chairman of the Committee
A/AC.154/302	Letter dated 10 January 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee
A/AC.154/303	Letter dated 31 January 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee
A/AC.154/304	Letter dated 11 March 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee
A/AC.154/305	New York City Diplomatic Parking Programme, circulated by the Chairman of the Committee
A/AC.154/306	Letter dated 14 March 1997 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/307	Letter dated 21 March 1997 from the Chairman of the Committee on Relations with the Host Country addressed to the members of the Committee enclosing a note by the Legal Counsel dated 20 March 1997 regarding the New York City Diplomatic Parking Programme
A/AC.154/308	Letter dated 24 March 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Cote d'Ivoire to the United Nations addressed to the Chairman of the Committee
A/AC.154/309	Letter dated 27 March 1997 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/310	Summary statement of the Chairman of the Committee on Relations with the Host Country made at the 184th meeting of the Committee, held on 1 April 1997, approved and circulated at the request of the Committee
A/AC.154/311	Letter dated 31 March 1997 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee

A/AC.154/312	Letter dated 24 April 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee
A/AC.154/313	Letter dated 4 June 1997 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/314	Letter dated 1 July 1997 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/INF/2	Letter dated 15 October 1997 from the Chairman of the Committee on Relations with the Host Country addressed to permanent missions of Members and of Observers to the United Nations
A/51/871	Letter dated 11 April 1997 from the Chairman of the Committee on Relations with the Host Country addressed to the President of the General Assembly
A/51/880	Letter dated 18 April 1997 from the Chairman of the Committee on Relations with the Host Country addressed to the President of the General Assembly